

**REMARKS**

The January 2, 2004 Office Action has been carefully considered. The claim amendments above and the following comments are presented in a bona fide effort to address all issues raised in that Action and thereby place this case in condition for allowance. Prompt favorable reconsideration of the amended application is solicited. Claims 25-47 remain active in this application and should be allowable.

Independent claims 25, 33, 38 and 42 have been amended to more clearly define the claimed subject matter over the patents applied in the latest art rejection, and several of the claims that depend therefrom have been amended to insure clarity and conformance to the revised language of the respective independent claims. In this regard, the claim amendments add limitations relating to retaining level information in the terminal and/or obtaining stored level information from the terminal. The level information obtained from the terminal is used, together with the level information extracted from the contents data, to determine aspects of the filtering.

It is respectfully submitted that such new claim language finds ample support in the original description and drawings. For example, a section for retaining level information within the terminal appears in Fig. 7 (see also page 9, lines 20-22). Fig. 9 shows an example of the level information that may be stored in the retaining section 24. Steps S2008 to S2010 in Fig. 8 represent the relevant processing, and a detailed explanation of the process for comparison and control starts on line 12 of page 10. When distribution is involved, the request message from the terminal 2' may include level information, for use by the data center 1' (see e.g. step S3002 in Fig. 12). It is respectfully submitted that the original specification and drawings provide a

written description and enabling disclosure of the subject matter of these amended claims, and the added language does not introduce any new subject matter.

Applicants note with appreciation the allowance of claim 47. Although listed among the rejected claims on the summary form, claim 31 was not listed or discussed in the substantive rejection. Claim 31 has been recast in independent form, by substantially incorporating the previous version of independent claim 25 and intervening claim 27. It is believed that claim 31 is allowable over the art, and a prompt notice to that effect is solicited.

The issue presented in the Office Action relates to patentability of the other pending claims over applied patent. Claims 25-30 and 33-47 stand rejected under 35 US. C. 9103 as unpatentable over US. Patent No. 6,320,829 to Matsumoto et al. (hereinafter Matsumoto) in combination with US. Patent No. 6,266,419 to Lacy et al. (hereinafter Lacy). Although not listed among the rejected claims in the statement of this rejection (see page 2, of the Office Action), claim 32 is specifically mentioned in the explanation of this rejection (see page 4, of the Office Action).

Hence, Applicants believe that claims 25-30 and 32-47 actually were rejected as obvious over Matsumoto in view of Lacy. However, this rejection is respectfully traversed; and reconsideration and withdrawal of the rejection are solicited, for reasons discussed in detail below.

In the first Office Action (January 27, 2003), the Examiner indicated that original claim 8 would be allowable if recast in independent form. Claim 41 is a method claim that was intended to correspond to original claim 8 combined with original independent claim 1 and original intervening claim 4. Hence, it is believed that the pending version of claim 41 substantially preserves the allowable scope of original dependent claim 8. Although the scope of 41 is

different, it should be noted that 41 includes limitations relating to number of replays of the content, somewhat similar to claim 31 and allowed claim 47.

Claim 41 includes limitations relating to comparing the maximum number of times the contents may be replayed, as specified in the level information included in the detected control information, with the number of times a contents user has replayed the contents from the electronic data, to determine whether to apply filtering. If the comparing step results in a determination to apply filtering, the claimed method applies the predetermined filtering specified by the control information to specific parts of the contents. Although included in rejections in the subsequent Actions, including the latest rejection over Matsumoto combined with Lacy, there has never been any explanation of how any reference meets the limitations relating to the number of times a user has replayed the contents or why such processing would have been obvious to one of ordinary skill. It is respectfully submitted that the subject matter of claim 41, as a whole, is patentable over Matsumoto and Lacy. The rejection thereof is improper, and the rejection should be promptly withdrawn.

Independent claim 25 has been amended to specify retaining level information in a terminal and obtaining level information retained in the terminal. The decision as to how to execute the predetermined filtering for the predetermined portion of the contents data is based on the extracted control information **and** on the obtained level information. It is respectfully submitted that Matsumoto and Lacy both teach controlling processing (e.g. copy control, decryption or decompression) based on information included only in the content data. For example, column 6 (lines 5-25) of Matsumoto states that the validity of the digital recording medium is judged based on three types of information. The first information is copy control information indicating a restriction level, which is contained in a portion of the main data other

than picture and/or voice information. The second information is electronic watermark information, contained in a portion of the main data including picture and/or voice information. The third information used by Matsumoto is error information, which has been deliberately added to the data. Lacy decompresses two different portions of a data frame using two different decompression algorithms. However, Lacy does not use level information either from the terminal or extracted from the data, in any decision relating to the decompression functions. Hence, neither applied prior patent teaches controlling filtering of the contents data based on extracted control information and on level information obtained from the terminal.

Any combination of the two cited patents would not provide such processing, therefore claim 25 patentably distinguishes over Matsumoto and Lacey. Claims 26-30 and 32 depend from patentable claim 25 and should be patentable for at least the same reasons.

Independent claim 33 now states that the deciding unit obtains level information from a terminal. By way of example, if the apparatus is or includes the terminal, this would be an internal operation. As another example, if the apparatus is a data center and the terminal is separate, communications with the terminal may provide the terminal's level information. As claimed, the deciding unit makes the decision as to how to execute filtering based on extracted control information and the level information obtained from the terminal. Neither Matsumoto nor Lacy teaches obtaining level information from a terminal and controlling filtering based on both extracted control information and the level information obtained from the terminal. Matsumoto makes decisions as to copy protection based solely on the three types of data included within the content data stream; and Lacy does not use level information, either from the terminal or extracted from the data, in any decision relating to the decompression functions.

Hence, the proposed combination would not satisfy the limitations of independent claim 33, therefore claims 33-37 patentably distinguish over the art.

Product claim 38 specifies a program, execution of which implements a number of steps. In the amended version, one of the steps entails obtaining level information retained in the terminal. The decision step is now based on both the extracted control information and the obtained level information. It is respectfully submitted that the disclosures of Matsumoto and Lacy, summarized above, would not fairly teach a skilled artisan to draft a program for obtaining level information from a terminal and making a contents filtering decision based on both the extracted control information and the level information obtained from the terminal. Claim 38 and dependent claims 39 and 40 therefore patentably distinguish over the proposed combination of Matsumoto and Lacy.

Claim 42 specifies extracting control information, and the extracted information includes level information. The method further includes steps of obtaining level information from the terminal and processing the extracted level information and the level information from the terminal, to decide whether to apply filtering. The extracted control information is also processed to identify one or more blocks to which the filtering is to apply. As noted earlier, Matsumoto makes decisions as to copy protection based solely on the three types of data included within the content data stream; and Lacy does not use level information from the terminal or extracted from the data in any decision relating to the decompression functions. The combination of control operations from Matsumoto and Lacy would not result in a method that involved obtaining level information from the terminal, nor would the combination result in a method that entailed processing both extracted level information and level information from the terminal to determine whether to apply filtering. Independent claim 42 therefore should be

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patentable over that combination, and dependent claims 43-46 should be patentable along with claim 42.

For the reasons outlined above, all of the pending claims (25-47) should be in condition for allowance. Prompt favorable reconsideration and issuance of a notice of allowability of all of the pending claims are earnestly solicited.

It is believed that this response addresses all issues raised in the latest Office Action. However, if any further issues should arise, which may be addressed in an interview or by an Examiner's amendment, the Examiner is invited to telephone Applicants' representative at the number shown below.

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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